

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Richard Scott ROSE
USMS #: 71106-061

Case No.

2:23-mj-491

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/25/2023 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

18 U.S.C 751(a)

Offense Description

Escape from Custody

This criminal complaint is based on these facts:

On or about August 25th, 2023, Richard Scott ROSE did knowingly escape from the custody of the United States Bureau of Prisons in violation of 18 U.S.C. 751(a). Furthermore, the aforementioned escape from custody occurred within the Southern District of Ohio.

☒ Continued on the attached sheet.
Complainant's signature

Peyton C. Ross, Deputy U.S. Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date: Aug. 28, 2023City and state: Columbus, Ohio
Elizabeth Preston Deavers, U.S. Magistrate Judge
Printed name and title


AFFIDAVIT

I, Peyton C. Ross, being duly sworn, do hereby declare and state the following:

1. I am employed as a Deputy U.S. Marshal and have been since August of 2021. As a Deputy U.S. Marshal, I am authorized under 18 U.S.C. § 564 to enforce the laws of the United States, including 18 U.S.C. § 751, entitled Prisoners in Custody of Institution or Officer, and all its subsections.
2. I am the case agent for the criminal investigation of Richard Scott ROSE, a person who, while in the custody of the United States Bureau of Prisons (USBOP or BOP), did escape custody of the BOP in violation of 18 U.S.C. § 751(a). This affidavit is based upon my examination of various official documents sources from the USBOP, USMS and the Office of the Clerk of Courts for the Southern District of Ohio. When the contents of the documents or statements of others are reported herein, they are reported in substance and part unless otherwise indicated. I have not included in this affidavit, all information known by me relating to the investigation. I have set forth facts to establish probable cause for an arrest warrant for Richard Scott ROSE. I have not withheld any evidence or information which would negate probable cause.
3. This affidavit is made in support of an application for a criminal complaint charging Richard Scott ROSE with Escape, a violation of 18 U.S.C. § 751(a). Based on my training, experience and participation in this and other investigations, I am aware of the following facts:
4. On or about October 18, 2013, a judgment was entered in U.S. District Court for the Southern District of Ohio, in case number 2:13-CR-00123, after Richard Scott ROSE was sentenced by United States District Judge James L. Graham to a term of 78 months of incarceration to be followed a total term of 5 years of supervised release. This sentence was imposed after ROSE had pled to two counts of an information which charged him Possession With Intent to Distribute Oxycodone and Heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1).
5. On or about September 18, 2020, the Court issued an Order finding that ROSE had violated the conditions of supervised release. The Court ordered that Rose be sentenced to a term of 24 months of incarceration, consecutive to a state court sentence imposed in the Court of Common Pleas, Franklin County, Ohio.
6. On or about January 11, 2022, ROSE was released to custody of the BOP and ultimately incarcerated at FCI McDowell, pursuant to this Court's September 18, 2020 Order. On or about August 3, 2023, ROSE was transferred to the Alvis House for Men, located at 1755 Alum Creek Drive Columbus, Ohio where he was to remain in custody of the BOP until his projected release date of September 17, 2023. The Alvis House is a Halfway House in the Southern District of Ohio. It is a facility approved by the BOP for transitioning federal inmates from BOP custody to release in the community.
7. When an inmate is serving part of their sentence at the Alvis House, they remain in BOP custody. Inmates are restricted on their movement to and from the facility and are only able to leave the facility for work or with approval from the facility staff. Inmates who are permitted to leave the facility are required to nonetheless sign out of the facility when departing and sign back in when returning. Inmates are made aware that, even when

travelling outside the facility for medical treatment, they are required to return to the facility promptly upon the completion of the medical treatment. Generally, the time served at the Alvis House is a portion of the inmate's sentence of incarceration and while they may be permitted to leave the facility for approved purposes such as employment or medical treatment, the inmate remains in the custody of the United States Bureau of Prisons.

8. On or about August 25, 2023, at approximately 2:32am EST, ROSE complained of an abscess on his arm hurting. EMS was contacted by Alvis House staff, and EMS transported ROSE to OSU East Hospital located at 181 Taylor Avenue, Columbus, OH.
9. At approximately 3:02am EST, Alvis House staff contacted OSU East Hospital and the hospital confirmed that ROSE was at the hospital and waiting to be seen. At 4:35am EST, Alvis House staff contacted the hospital again to confirm ROSE was still there. This time, Alvis House staff was informed that ROSE left the hospital without being seen.
10. Alvis House staff attempted to contact ROSE, but he did not answer. His mother was contacted, and she stated she would try to contact him. The mother of ROSE's child was also contacted, but there was no answer. Alvis House staff contacted local jails with no success. ROSE was placed on escape status at 6:01am EST. The USMS was notified at 6:14am EST.
11. As of August 25, 2023, ROSE has not returned to the Alvis House and his whereabouts are unknown. No attempts have been made by USMS Southern Ohio to locate ROSE.
12. Based on the foregoing facts and my knowledge and experience, I submit that probable cause exists to believe Richard Scott ROSE did knowingly escape from the custody of the United States Bureau of Prisons in violation of 18 U.S.C. 751(a). I thereby request the issuance of a criminal complaint and arrest warrant.



Peyton C. Ross
Deputy U.S. Marshal

Sworn before me and subscribed in my presence this 28th day of August 2023, in Columbus, Ohio




ELIZABETH PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE